



ASSOCIATION
OF AMERICAN
RAILROADS

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Federal Communications Commission
Office of the Secretary

Hollis G. Duensing
General Solicitor

October 16, 1991

VIA HAND DELIVERY

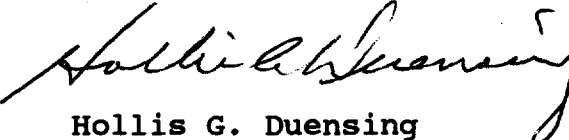
Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Room 222, 1919 M Street, N.W.
Washington, D.C. 20554

Re: RM-7806, Petition for Rulemaking of American Mobile
Satellite Corporation to Allocate Spectrum for the
Mobile Satellite Service

Dear Ms. Searcy:

Enclosed for filing in the above-captioned proceeding are
the original and four copies of the Partial Opposition of the
Association of American Railroads.

Respectfully submitted,


Hollis G. Duensing

HGD:ict
Enclosures (5)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

OCT 16 1991

Federal Communications Commission
Office of the Secretary

In re Petition for Rulemaking of
American Mobile Satellite Corporation
For Amendment of Parts 2, 22 and 25
of the Commission's Rules to
Allocate Spectrum for the Mobile
Satellite Service

RM-7806

**PARTIAL OPPOSITION OF THE
ASSOCIATION OF AMERICAN RAILROADS**

The Association of American Railroads ("AAR") offers its comments on the above-captioned petition for rulemaking of the American Mobile Satellite Corporation ("AMSC") to allocate spectrum for the mobile satellite service.^{1/}

AMSC proposes to allocate the 1616.5-1626.5 MHz band for mobile satellite service ("MSS") uplinks and the 1515-1525 MHz band for MSS downlinks. However, AMSC proposes in the alternative that if the Commission is unwilling to reallocate the 1515-1525 MHz band to MSS, then the Commission should consider a 10 megahertz section of the 1850-1990 MHz, 2110-2130 MHz or 2160-2180 MHz bands. As explained below, AAR opposes AMSC's Petition to the extent that it requests reallocation of the 1850-1990 MHz band.

^{1/} These comments are timely filed pursuant to Public Notice dated September 13, 1991 (Mimeo No. 14747).

AMSC, which filed its petition prior to adoption of the Commission's WARC-92 Report,^{2/} states that each of these bands were proposed for MSS allocations by the Commission in the WARC-92 proceeding.^{3/} While the Commission ultimately recommended the addition of a footnote which could allow implementation of either a geostationary ("GSO") MSS satellite or low earth orbit ("LEO") MSS satellite in 1850-1990 MHz band,^{4/} the Commission has expressed a preference that GSO MSS systems, such as that of AMSC, not be implemented in the 1850-1990 MHz band.

Specifically, the Commission states: "Regarding AMSC's concerns about the necessity of allocation of spectrum in the 1850-1990 MHz band to GSO, rather than LEO, MSS systems, we believe that we have already provided adequately for GSO MSS in other bands."^{5/} This language shows that the Commission does not believe it is necessary to allow GSO MSS systems to use the 1850-1990 MHz band in order to satisfy their spectrum requirements.

Indeed, AMSC readily acknowledges the difficulties inherent in any such reallocation. AMSC states that "there are significant numbers of existing systems using [the 1850-1990 MHz

^{2/} Report, Gen. Dkt. No. 89-554, 6 FCC Rcd 3900 (1991) ("WARC-92 Report").

^{3/} AMSC Petition at 20.

^{4/} WARC-92 Report, at para. 57, A-28 (ADD 746A).

^{5/} WARC-92 Report at para. 57.

band] in North America"6/ and that the 1850-1990 MHz band is "not as desirable as the 1515-1525 MHz band because [it is] not proximate to the existing allocations and thus will be more costly to implement. In addition, it appears that reaccomodation of existing users in the 1515-1525 MHz band will be less problematic than in [the 1850-1990 MHz band] because of the volume of users and the types of equipment in use."7/

AMSC's concerns regarding reallocation of the 1850-1990 MHz band for MSS are well-placed. Throughout the course of the General Docket No. 89-554 proceeding as well as in Industry Advisory Group meetings, AAR and other operational-fixed microwave service ("OFS") user groups have shown inter alia (1) that the 2 GHz OFS bands are heavily used by industries and government agencies vital to the public welfare of this country; (2) that whereas MSS spectrum needs can be satisfied from other bands, many private microwave users have no satisfactory alternative to using 2 GHz frequencies allocated to OFS; (3) that even if other bands were available for OFS, the cost of relocating existing systems would be exhorbitant; and (4) that the feasibility of sharing between OFS and MSS is questionable at best.8/

6/ AMSC Petition at 8.

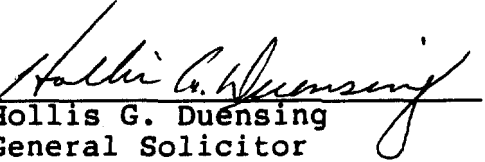
7/ AMSC Petition at 20-21.

8/ See Reply Comments of AAR on Second Notice of Inquiry in Gen. Dkt. No. 89-554, filed January 7, 1991; Comments of AAR on Supplemental Notice of Inquiry in Gen. Dkt. No. 89-

WHEREFORE, the foregoing considered, AAR urges the Commission to deny that part of AMSC's petition which requests reallocation of a ten megahertz portion of the 1850-1990 MHz band to MSS in the event that the Commission is unwilling to reallocate the 1515-1525 MHz band to MSS.

Respectfully submitted,

THE ASSOCIATION OF
AMERICAN RAILROADS

By: 
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October 16, 1991

BL#33/AMSC.RM

554, filed April 12, 1991; Reply Comments of AAR on Supplemental Notice of Inquiry in Gen. Dkt. No. 89-554, filed April 26, 1991. AAR hereby incorporates these pleadings by reference.

CERTIFICATE OF SERVICE

I, Irene C. Thompson, a secretary in the Law Department of the Association of American Railroads, certify that on October 16, 1991, a copy of the foregoing Partial Opposition of the Association of American Railroads was mailed first-class, postage prepaid, to the following:

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